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Testimony to the Connecticut Department of Environmental Protection

Regarding Proposed Stream Flow Standards and Regulations

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My name is Claire Bennitt and I live at 1 Killam's Point in Branford. I am the immediate past Chair of the Regional Water Authority, the water utility headquartered in New Haven serving the population of south central Connecticut.

I also have served as President of the Natural Resources Council of Connecticut and the informal Instream Flow Coalition, a group of concerned environmentalists, scientists, planners and water utility people.

I want to start off on a positive note. Connecticut is a water rich state. We can balance human needs with those of the environment. The goal of the enabling legislation for the stream flow standards and regulations is laudable.

However, before moving the regulations forward, I implore you to consider the financial implications of their adoption.

Contrary to what you may be hearing today, water utilities are not evil. They are not foreign boards of directors sitting in fancy digs with polished tables making huge profits. With few exceptions they are just public service companies serving customers, citizens of the state. A very few turn a profit, most do not. They are cities and towns providing the needed water for economic development, home use, schools, fire departments and the costs are born by residents. They are regional, municipal, private and in many cases small providers for a specific area – condo associations for example.

As much fun as it may be to vilify water utilities, it is necessary to get beyond name calling to see who pays the bills. Granted, water is still the least costly commodity in the utility world. However, sticking water customers with the high cost of compliance with the proposed regulations when the benefits accrue to everyone in the state is not good public policy. Ordinary people living in places like the Hill in New Haven and the north side of Hartford and in Bridgeport pay water bills.

There is also the need to assess stream flow impacts from land use as opposed to diversion. Stream flow is affected by impervious surfaces: public roads, subdivisions, parking lots, roofs of commercial buildings. It is not rocket science to recognize that impervious surfaces on a watershed exacerbate the extremes of storm events and drought. It is unfair to saddle water utility customers with the entire cost of monitoring and supplementing stream flow when public actions like Planning and Zoning approvals and

expansion of highways contribute significantly to the problems addressed in the proposed regulations.

The regulations as proposed also claim a zero fiscal impact on DEP. It would be lovely if that statement were accurate. However, anyone who has any experience in working with state government understands that there are costs associated with monitoring programs. Is it the intent of the DEP to pass those costs on to the monitored? Will water utility customers, five years from now, be required to cover the costs? By stating that there are none, it makes one apprehensive that either the costs have not been assessed or that they will, as a matter of policy, be levied against water utilities with no further discussion.

Finally, I raise the issue of water company lands and potential unintended consequences of the draft regulations, leading to the sale and development of utility owned watershed forest land, which could degrade streams that the regulations are intended to protect. I have fought for the protection of public drinking water supply watershed for thirty five years. And likely, with my last breath I will do so. When water companies are required to make large capital expenditures, they have few ways to raise the funds. Borrowing is of course a possibility but only if the indenture or the market allows. Raising rates is another, however most rate increases have to be approved by a public body. And then there is the dreaded sale of assets. Remember the Safe Drinking Water Act in the 70's that provided the stimulus for our landmark land classification system? Be careful not to pit vastly increased costs in a weakened economy against disposing of land. We are now much farther down the technology road, much of the nation drinks safely from polluted rivers and while we do not allow our drinking water to be drawn from rivers into which sewer effluent is introduced, that policy could change. And if it does, there will be less need to protect watersheds, particularly if the regulations significantly diminish the amount of water available from a source of supply to the point where it is more economical to abandon it.

As unpopular as providing funding mechanisms that relieve the burden the proposed regulations will place on water companies and their ratepayers may be, it is the best way of providing for the future health of our streams and rivers. The costs of compliance have to be shared by all who benefit.